

*Electronically Filed on
April 25, 2007*

JANET L. CHUBB, ESQ.
Nevada Bar # 176
LOUIS M. BUBALA III, ESQ.
Nevada Bar # 8974
JONES VARGAS
100 W. Liberty St, 12th Floor
P.O. Box 281
Reno, NV 89504-0281
Telephone: (775) 786-5000
Fax: 775-786-1177
Email: jlc@jonesvargas.com
tbw@jonesvargas.com
lbubala@jonesvargas.com

Attorneys for Robert J. Kehl; Ruth Ann Kehl;
and Judy A. Bonnet

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC, Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**JOINDER IN OPPOSITION OF
DEBT ACQUISITION COMPANY
OF AMERICA TO MOTION OF
COMPASS FINANCIAL
PARTNERS LLC FOR ORDER
ENFORCING CONFIRMATION
ORDER AND DETERMINING NO
SURVIVING SECTION 3 RIGHT
EXISTS WITH RESPECT TO THE
FIESTA OAK VALLEY LOAN**

Hearing Date: April 26, 2007
Hearing Time: 9:30 a.m.

Robert J. Kehl, Ruth Ann Kehl, and Judy Bonnet, as Direct Lenders in the Fiesta Oak Valley Loan, by and through their counsel, Janet L. Chubb, Esq., and Louis M. Bubala III, Esq., of Jones Vargas, hereby incorporate, as if set forth herein, and join in Debt Acquisition Company

H:\Fs1Wp51\Direct Lenders\Kehl Family 500953.5\Pleadings\Joinder in Debt Acquisition's Opposition to Compass re Fiesta Oak Valley.doc

1 of America's Memorandum of Points and Authorities in Opposition to Motion of Compass
2 Financial Partners LLC for Order Enforcing Confirmation Order and Determining No Surviving
3 Section 3 Right Exists with Respect to the Fiesta Oak Valley Loan, which Debt Acquisition filed
4 on April 16, 2007.

5 DATED this 25th day of April, 2007.

6 JONES VARGAS

7 By: //s// Janet L. Chubb

JANET L. CHUBB

8 LOUIS M. BUBALA III

9 Attorneys for Robert J. Kehl; Ruth Ann Kehl; and
10 Judy A. Bonnet

11 JONES VARGAS
12 100 W. Liberty Street, 12th Floor
13 P.O. Box 281
14 Reno, Nevada 89504-0281
15 Tel: (775) 786-5000 Fax: (775) 786-1177
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

1. On April 25, 2007, I served the following document(s):

**JOINDER IN OPPOSITION OF DEBT ACQUISITION COMPANY OF AMERICA TO
MOTION OF COMPASS FINANCIAL PARTNERS LLC FOR ORDER ENFORCING
CONFIRMATION ORDER AND DETERMINING NO SURVIVING SECTION 3
RIGHT EXISTS WITH RESPECT TO THE FIESTA OAK VALLEY LOAN**

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- MICHELLE L. ABRAMS mabrams@mabramslaw.com
- FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com
- NANCY L ALLF nallf@parsonsbehle.com,
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com
- FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov
- OGOONNA M. ATAMOH oatamoh@nevadafirm.com,
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com
- KERIANN M ATENCIO ATENCIOK@GTLAW.COM
- BMC GROUP, INC. evrato@bmcgroup.com,
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com
- GEORGANNE W. BRADLEY georganne.bradley@bullivant.com,
mary.opatry@bullivant.com
- KELLY J. BRINKMAN kbrinkman@gouldpatterson.com
- THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com
- ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-
law.com;lmackson@shutts-law.com
- LOUIS M. BUBALA lbubala@jonesvargas.com, tbw@jonesvargas.com
- MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-
reynolds.com
- CANDACE C CARLYON ltreadway@sheacarlyon.com,
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rsmith@sheacarlyon.c
om
- ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com
- MICHAEL W. CHEN yvette@ccfirm.com
- KEVIN B. CHRISTENSEN kbchrislaw@aol.com
- JANET L. CHUBB tbw@jonesvargas.com
- EDWARD S. COLEMAN mail@coleman4law.com
- WILLIAM D COPE cope_guerra@yahoo.com
- LAUREL E. DAVIS ldavis@fclaw.com, mhurtado@fclaw.com;ldavisesq@aol.com
- DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177

- J CRAIG DEMETRAS JCD@demetras-oneill.com, jar@demetras-oneill.com;mdh@demetras-oneill.com
- THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM
- ARLEY D FINLEY TFINLEY@DIAMONDMCCARTHY.COM
- SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com
- GREGORY E GARMAN bankruptcynotices@gordonsilver.com
- DOUGLAS D. GERRARD DGERRARD@GERRARD-COX.COM
- WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com
- CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,
 Darlene.Ruckard@usdoj.gov; Eunice.Jones@usdoj.gov; Sue.Knight@usdoj.gov
- GERALD M GORDON bankruptcynotices@gordonsilver.com
- R. VAUGHN GOURLEY vgourley@lvcm.com
- TALITHA B. GRAY bankruptcynotices@gordonsilver.com
- JAMES D. GREENE bknotice@bhfs.com
- MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com
- PETER W. GUYON pguyon@yahoo.com
- JEFFREY R. HALL jhall@sheacarlyon.com,
 bankruptcyfilings@sheacarlyon.com; ltreadway@sheacarlyon.com; rmsmith@sheacarlyon.com
- XANNA R. HARDMAN xanna.hardman@gmail.com
- STEPHEN R HARRIS noticesbh&p@renolaw.biz
- JEFFREY L HARTMAN notices@bankruptcyreno.com
- BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com
- RICHARD F. HOLLEY rholley@nevadafirm.com,
 paltstatt@nevadafirm.com; vnelson@nevadafirm.com; sliberio@nevadafirm.com; bkecf@nevadafirm.com
- RANDOLPH L. HOWARD rhoward@klnevada.com,
 ckishi@klnevada.com; bankruptcy@klnevada.com
- DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net
- CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
- EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com
- ANNETTE W JARVIS ajarvis@rqn.com
- ERIN E. JONES ejones@diamondmccarthy.com, cburrow@diamondmccarthy.com
- TY E. KEHOE TyKehoeLaw@aol.com
- ROBERT R. KINAS rkinas@swlaw.com,
 jmabee@swlaw.com; jmath@swlaw.com; imccord@swlaw.com; cdossier@swlaw.com; lvdocket@mindspring.com
- DEAN T. KIRBY dkirby@kirbymac.com,
 jhebert@kirbymac.com; lackerman@kirbymac.com
- ZACHARIAH LARSON ecf@lslawnv.com
- JOHN J. LAXAGUE jlaxague@canecclark.com
- GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
- NILE LEATHAM nleatham@klnevada.com,
 ckishi@klnevada.com; bankruptcy@klnevada.com
- ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net

H:\Fs1Wp51\Direct Lenders\Kehl Family 500953.5\Pleadings\Joinder in Debt Acquisition's Opposition to Compass re Fiesta Oak Valley.doc

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177

- ANNE M. LORADITCH ecffilings@beckleylaw.com, aloraditch@beckleylaw.com;pkois@beckleylaw.com
- ERIC D MADDEN emadden@diamondmccarthy.com
- PATRICIA A. MARR lvlaw03@yahoo.com
- JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com
- REGINA M. MCCONNELL rmccconnell@kssattorneys.com
- WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
- RICHARD MCKNIGHT mcknightlaw@cox.net, gkopang@lawlasvegas.com;cburke@lawlasvegas.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com;info@s-mlaw.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com;info@s-mlaw.com
- SHAWN W MILLER bankruptcyfilings@sheacarlyon.com, smiller@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com;mleavitt@sheacarlyon.com
- DAVID MINCIN mcknightlaw@cox.net, gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com
- JOHN F MURTHA jmurtha@woodburnandwedge.com
- ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com
- VICTORIA L NELSON bkecf@nevadafirm.com, vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.com
- BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com
- DONNA M. OSBORN ebaker@marquisaurbach.com, dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com
- CHRISTINE M PAJAK cpajak@stutman.com, ekarasik@stutman.com
- ANDREW M. PARLEN aparlen@stutman.com
- DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
- PAUL C RAY info@johnpeterlee.com
- CHRISTINE A ROBERTS bankruptcy@rocgd.com
- SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
- LENARD E. SCHWARTZER bkfilings@s-mlaw.com
- JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com, ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com;jshea@sheacarlyon.com
- SHLOMO S. SHERMAN ssherman@sheacarlyon.com, bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com;mleavitt@sheacarlyon.com
- AMBRISH S. SIDHU ecf@lslawnv.com
- JEFFREY G. SLOANE gjklepel@yahoo.com, rmccconnell@kssattorneys.com
- ALAN R SMITH mail@asmithlaw.com, turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
- DAVID A. STEPHENS dstephens@lvcm.com
- PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
- JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

- ROLLIN G. THORLEY rollin.g.thorley@irsounsel.treas.gov
- AMY N. TIRRE , lmccarron@kkbrf.com
- AMY N. TIRRE atirre@kkbrf.com, lmccarron@kkbrf.com
- U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
- GREGORY J. WALCH GWalch@Nevadafirm.com
- RUSSELL S. WALKER rwalker@wklawpc.com,
eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com;rrazo@wklawpc.com;tgrover@wklawpc.com
- WHITNEY B. WARNICK wbw@albrightstoddard.com,
bstessel@albrightstoddard.com
- GREGORY L. WILDE bk@wildelaw.com
- WILLIAM J. WRAY rh@oreillylawgroup.com,
rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillylawgroup.com,
- MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com
- ANTHONY A. ZMAILA azmaila@nevadafirm.com,
bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):

I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

9 d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

Geoffrey L. Berman
gberman@dsi.biz

George A. Davis
George.davis@cwt.com

Allan B. Diamond
adiamond@diamondmccarthy.com

Susan M. Freeman
SFreeman@LRLaw.com

Jeffrey D. Hermann
jhermann@orrick.com

H:\Fs1Wp51\Direct Lenders\Kehl Family 500953.5\Pleadings\Joinder in Debt Acquisition's Opposition to Compass re Fiesta Oak Valley.doc

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

1 August B. Landis
USTPRegion17.lv.ecf@usdoj.gov; Augie.Landis@usdoj.gov

2 Marc A. Levinson
3 malevinson@orrick.com

4 Michael Tucker
Michael.tucker@fticonsulting.com

5 Based upon the written agreement of the parties to accept service by email
6 or a court order, I caused the document(s) to be sent to the persons at the
7 email addresses listed below. I did not receive, within a reasonable time
8 after the transmission, any electronic message or other indication that the
transmission was unsuccessful.

9 **9 e. By fax transmission** (list persons and fax numbers):

10 Based upon the written agreement of the parties to accept service by fax
11 transmission or a court order, I faxed the document(s) to the persons at the
12 fax numbers listed below. No error was reported by the fax machine that I
used. A copy of the record of the fax transmission is attached.

13 **9 f. By messenger:**

14 I served the document(s) by placing them in an envelope or package
15 addressed to the persons at the addresses listed blow and providing them to
16 a messenger for service. (A declaration by the messenger must be attached
to this Certificate of Service).

17 **I declare under penalty of perjury that the foregoing is true and correct.**

18 DATED this 25th day of April, 2007.

19 J. Englehart & Tawney Waldo
Name

//s// Tawney Waldo & J. Englehart
Signature